

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

OSCAR PAREDES-SANCHEZ,

Petitioner,

v.

No. CV 14-0660 MV/KBM

ERIC H. HOLDER, ATTORNEY GENERAL,

Respondent.

ORDER

This matter is before the Court, *sua sponte* under rules 1(b), 4 of the Rules Governing Section 2254 Cases, on Petitioner's Petition For Writ Of Habeas Corpus. Also before the Court is his Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2). Pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004), the Court will direct that Ray Terry, Warden, who is Petitioner's custodian, be substituted as the sole named Respondent in this matter. It appearing that the petition may not be subject to summary dismissal, the Court will order an answer to the petition.

IT IS THEREFORE ORDERED that Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2) is GRANTED, and Petitioner may proceed without prepayment of costs or other fees or the necessity of giving security therefor;

IT IS FURTHER ORDERED that the Clerk is directed to substitute Ray Terry, Warden, as the sole named Respondent in this matter;

IT IS FURTHER ORDERED that the Clerk is directed to forward copies of this Order, with copies of the Petition For Writ Of Habeas Corpus and supporting papers and exhibits, if any,

to Respondent Terry and to the United States Attorney for the District of New Mexico; and, within twenty-three (23) days from entry of this Order, Respondent answer Petitioner's petition.



UNITED STATES CHIEF MAGISTRATE JUDGE